

**Notice of Allowability**

Application No.

10/040,106

Examiner

Jessica T Stultz

Applicant(s)

BRODERICK ET AL.

Art Unit

2873

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendments dated October 27, 2003.
2. ☒ The allowed claim(s) is/are 1-19, 21-34.
3. ☒ The drawings filed on 09 September 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                              | 6 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. _____  |
| 3 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment                  |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material           | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | 9 <input type="checkbox"/> Other  |

Allowed claims: 1-19 and 21-34

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jian Zhou on December 11, 2003.

The application has been amended as follows:

1. In claim 28, line 4, after "contact lens, and", insert --wherein the configuring includes the steps of: displaying a template eye image to assist said user in visualizing selected options for a customized contact lens; displaying a plurality of contact lens selection options to said user, said selection options including a plurality of selectable lens colors and lens design patterns; adjusting said image into a modified template image to optimize the incorporation of selected information from said user into said image, and-

### ***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance: none of the prior art alone or in combination disclose or teach of the claimed combination of limitations to warrant a rejection under 35 USC 102 or 103.

Specifically regarding independent claim 1, none of the prior art alone or in combination disclose or teach of a method of providing customized contact lenses to a user, specifically wherein having a step of superposing selected pre-configured patterns

onto a template eye and generating an optimized image of a modified contact lens according to the intentions of the user.

Specifically regarding independent claims 3, 6, and 28, none of the prior art alone or in combination disclose or teach of a method of providing customized contact lenses to a user, specifically wherein having a step of adjusting an image and a template to optimized cosmetic effects of a contact lens according to the intentions of the user.

Specifically regarding independent claim 18, none of the prior art alone or in combination disclose or teach of a method for making customized contact lenses specifically comprising the steps of requesting submission of graphic design images from the user.

Specifically regarding independent claim 24, none of the prior art alone or in combination disclose or teach of a method for making customized contact lenses specifically comprising the step of obtaining prescription information from the user.

Specifically regarding independent claim 30, none of the prior art alone or in combination disclose or teach of the a method for making customized contact lenses specifically comprising the step of modifying the template eye in accordance with the intentions of the user to achieve a desired appearance of the eye.

### ***Response to Arguments***

Applicant's arguments, see Amendment, filed October 27, 2003, with respect to the 103 rejections have been fully considered and are persuasive. The 103 rejections of claims 1-17, 23, 27, and 30-34 have been withdrawn.

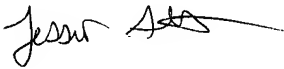
***Conclusion***

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica T Stultz whose telephone number is (703) 305-6106. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 703-308-4883. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



Jessica Stultz  
Patent Examiner  
AU 2873  
December 11, 2003



**JORDAN SCHWARTZ**  
**PRIMARY EXAMINER**